

BLD-36

November 9, 2006

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**C.A. No. 06-2502**

JAMES ROBERT TICE

v.

HARRY E. WILSON, Warden, et al

(W.D. Pa. Civ. No. 03-CV-00009E)

Present: MCKEE, FUENTES AND ROTH, CIRCUIT JUDGES

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);

in the above-captioned case.

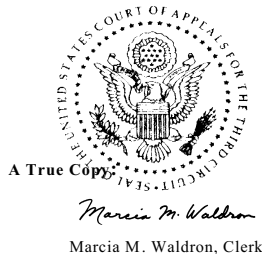
Respectfully,

Clerk

MMW/CAD/arl

ORDER

The foregoing application for a certificate of appealability is granted on the issue of whether Tice has established a miscarriage of justice with regard to case number 3207 of 1998 sufficient to overcome the procedural default of his ineffectiveness claim.



By the Court,

/s/ Theodore A. McKee

Circuit Judge

Dated: April 11, 2007

arl/par/cc: T.W.P., Esq.

M.E.B., Esq.